

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Plaintiff's unopposed motion to seal portions of Plaintiff's Response in Opposition to Defendant's Appeal of Order on Defendant's Motion for Leave to File a Reply in Support of its Motion to Compel Discovery and Defendant's Motion for Leave to File a Supplemental Reply in Support of its Seventh Motion to Compel. Plaintiff seeks to seal this information on the ground the filing "contains or references sensitive business and technical information concerning Syngenta's strategies on evaluating potential illegal azoxystrobin product and potential infringement of an enforcement of its intellectual property." (Mot. Seal [DE #375] at 1.) Plaintiff has filed a proposed redacted version of the filing, omitting the portions it contends should not be available to the public.

For the reasons set forth in Plaintiff's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Plaintiff's interests in protecting against competitive and/or financial harm to Plaintiff were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231

(4th Cir. 1984). Public notice of Plaintiff's request to seal and a reasonable opportunity to object have been provided by the filing of its motion, and no objections have been filed with the court. Plaintiff has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Plaintiff's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, Plaintiff's Motion to Seal [DE #375] is GRANTED and it is ORDERED that Plaintiff's Response in Opposition to Defendant's Appeal of Order on Defendant's Motion for Leave to File a Reply in Support of its Motion to Compel Discovery and Defendant's Motion for Leave to File a Supplemental Reply in Support of its Seventh Motion to Compel [DE #374] be SEALED. A redacted version of this filing is available to the public on the court's docket at DE #376-3.

This 10th day of January 2022.

A handwritten signature in black ink, reading "Kimberly A. Swank", written over a horizontal line.

KIMBERLY A. SWANK
United States Magistrate Judge